

REMARKS / ARGUMENTS

The enclosed is responsive to the Examiner's Final Office Action mailed on October 26, 2006 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Examiner mailed the Office Action claims 1-8, 10-18, 20-28 and 30 were pending. By way of the present response the Applicants have: 1) amended claims 1, 3, 11, 13, 21 and 23; 2) added no new claims; 3) have not canceled any claims. As such, claims 1-8, 10-18, 20-28 and 30 remain pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections 35 USC §102

Independent claims 1, 11 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Conti, et. al., U.S. Patent 6,522,995 (hereinafter "Conti").

The Applicant respectfully submits that Conti fails to disclose the claimed subject matter of the present application in a number of respects.

Conti discloses stress testing of a web server (29) by a number of testing agents (14a - 14n). See, Conti, Fig. 1. The testing agents send the web server various requests during a testing period in order to emulate the demands made of the web server by prospective real clients. See, Conti, Fig.1, Col. 2, lines 1-3, Col. 3, lines 1-7. As the applicant understands the teachings of Conti, the stress testing applied to the web server becomes more "life-like" as the number of testing agents grows and

the behavior of each testing agent becomes more sophisticated (e.g., as measured by the uniqueness and/or complexity of each testing agent's behavior). In order to implement sophisticated per testing agent behavior as well as local measurement of the stress test and dynamic alteration of the stress test, a sophisticated database is coupled locally to the web server under stress. See, Conti, Fig. 1, Fig. 2, Col. 1, lines 17-31, 52-67; Col. 2, lines 3-25; Col. 3, line 20 to Col. 4, line 11. That is, much of the intelligence of the stress test is kept local to the web server under test.

By contrast, the subject matter of the claims of the present application pertain to availability testing of a business logic process's software components (e.g., so as to ascertain the availability of the business logic process as a whole), and, in particular, to the operation of a testing application running on a server or servlet engine that serves or invokes software components used by the business logic process. Referring to Figure 2 of the present application, three separate instances of such a testing application 217, 220, 210 are observed.

A test controller (GRMG infrastructure 209) repeatedly sends to such a testing application (so that the testing application receives) a request that identifies software components that are: 1) used by the **same** business logic process; 2) part of the **same** testing scenario; and, 3) servable and/or invokable from the server or servlet engine that the testing application is running on (e.g., applications 203 for requests received by testing application 217).

Pertinent to the present application is the following observation: although Conti might suggest the repeated sending of requests to a web server during stress testing of the web server, these requests are intended to simulate demand on the web

server. As a consequence, these requests are directed to the web pages or applications that are served by the web server - not a testing application that runs on the web server. Moreover, to the extent the database software of Conti is viewed as a testing application, because Conti keeps much of the intelligence of the test local to the web server under test, there is no reason for the database software to be repeatedly told (through the receipt of request messages) during execution of the testing which components are part of the same business logic process and testing scenario.

Therefore Conti fails to disclose the following claim element (emphasis added):

repeatedly receiving request messages **at a testing application** running on a server or servlet engine, said **repeatedly receiving occurring during execution of a testing scenario**, each of said request messages identifying the **same set** of software components that are: a) servable and/or invokable by said server or servlet engine; b) associated with the **same said testing scenario**; and, c) used by a **same business logic process** within an IS infrastructure.

Moreover, the subject matter of the presented claims include the **testing application** receiving a userid for a login procedure of a business software component **during execution of the testing scenario**. Because Conti focuses on a stress test that simulates real-life workload demand on a web server, the testing agents of Conti and/or security software running on the web server would invoke the logic procedure business software components - not the testing application of Conti (i.e., the database software). Consistent with this view, the login procedure the

Examiner has identified at "Step 2" of Conti (See, Conti, Col. 4, lines 41-43 and 50-52) occurs before not during execution of the testing scenario of Conti. See, Conti, Col. 5, lines 62-63 (indicating the testing scenario starts at "Step 7").

Because the Applicant has demonstrated the patentability of all pending independent claims, the Applicant respectfully submits that all pending claims are allowable. The Applicant's silence with respect to the dependent claims should not be construed as an admission by the Applicant that the Applicant is complicit with the Examiner's rejection of these claims. Because the Applicant has demonstrated the patentability of the independent claims, the Applicant need not substantively address the theories of rejection applied to the dependent claims.

CONCLUSION

For the reasons provided above, applicant respectfully submits that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Robert B. O'Rourke at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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Date: 2/20/07

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